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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/664,565

09/18/2000

Tejas Naik

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06/16/2005

MOSER, PATTERSON & SHERIDAN, LLP/  
LUCENT TECHNOLOGIES, INC  
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EXAMINER

NGUYEN, HANH N

ART UNIT

PAPER NUMBER

2662

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/664,565

Applicant(s)

NAIK, TEJAS

Examiner

Hanh Nguyen

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 5/27/05.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Claim Objections***

Claim 14 is objected to because of the following informalities: “and/or” on line 8 needs to be defined specifically.

In claims 9 and 14, the steps (c) “establishing a virtual link from the router to the backbone through the at least one non-ABR and at least one ABR of an area associated with the at least one non-ABR when, at the step (b), said physical link is established to the at least one non-ABR”; and

(d) “establishing a virtual link from the router to the backbone through the at least one ABR when, at the step (b), the physical link is established to the at least one ABR” are identical and fail to further limit the claim limitations.

Appropriate correction is required.

Claims 10-13 and 15-18 are rejected because they depend on claims 9 and 14 respectively.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9-18 are rejected under 35 USC 102(b) as being anticipated by Callon (Pat. 5,699,347).

In claims 9, 12, 13, 14, 17 and 18, Callon discloses a method for configuring a router in communication network using an Open Shortest Path First (OSPF) protocol ( see fig.8, col.12, lines 47-57 & fig.9, lines 40-50), comprising:

(a) determining that the router is not physically or virtually connected to a backbone of the network or an area border router (ABR) of the network ( fig.2 discloses routers 120, 124, 126 are not directly connected to subnetwork 100, col.5, lines 10-15);

(b) establishing at least one physical link from the router to at least one non-ABR or at least one ABR of the network ( router 124 is coupled to router 120 ( non-ABR) or router 122 ( ABR router), col.5, lines 15-20);

(c) establishing a virtual link from the router to the backbone through the at least one non-ABR and at least one ABR of an area associated with the at least one non-ABR ( router 124 establishes a virtual circuit 132 to subnetwork 100 by forwarding packet through router 120( non-ABR) which is coupled to router 118 (ABR), col.5, lines 20-24 & col.8, lines 27-30) when, at the step (b), the physical link is established to the at least one non-ABR ( disclosed in step b above); and

(d) establishing a virtual link from the router to the backbone through the at least one ABR ( a virtual circuit 132 is established from router 120 to the subnetwork 100 through the router 118 ( at least one ABR) ( col. 5, lines 50-55) when, at the step (b), the physical link is established to the at least one ABR ( using the concept that router 124 is coupled to router 122).

In claims 11 and 16, Callon discloses establishing the physical links having minimal network latencies (packets is routed in the network quickly in a timely manner and via shortest distance, col.6, lines 1-10).

In claims 10 and 15, Callon discloses the steps a,c,d as in claim 1 uses a network management system. ( see fig.7, col.10, lines 55-60).

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Callon et al. (Pat. 5,854,899) and Westberg (Pat. 6,856,602 B1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Friday from 8AM to 5PM. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on 571 272 3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2662

A handwritten signature in black ink, appearing to read 'Hanh Nguyen'. The signature is stylized with a large 'H' and a long, sweeping tail.

**HANH NGUYEN**  
**PRIMARY EXAMINER**